

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, SEPTEMBER 9, 2004, AT 1:00 P.M.**

CALL TO ORDER

Vice-Chairperson Kipp called the meeting to order at 1:00 p.m.

Commission

Members Present: Mareth Kipp, Vice-Chairperson
 Ellen Gennrich
 Betty Willert
 Walter Kolb
 Gary Goodchild
 Pat Haukohl

Commission

Members Absent: Walter Baade, Chairperson

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager
 Mary Finet, Senior Land Use Specialist
 Sherrie Villarreal, Clerk Typist III

Guests Present:

Steve and Crystal Schwab
Robert Goehner
Brian Turk
Steve Styza
Daniel and Sharon Nettesheim
Wayne Slawson
Michael Hoffman
James Doering
Laird Geibel
Lloyd Williams
Attorney Dean Richards
Kris Droegkamp

Introduction of New Commission Member: Gary Goodchild

Mr. Goodchild is a Town of Ottawa Board member. He was appointed Park Board Chairman in 1994, and oversaw the construction of a new park for the Town of Ottawa. Was involved in the KMRA recreation programs and was elected Town of Ottawa Supervisor in 2000. He has worked for WI Energies for 30 years and has been in the Waukesha vicinity since 1977. His position at WE Energies is the designing of a utility infrastructure. He has seen much of the development in the County being employed by a utility business. He is married to Deborah for 23 years and has three children: Stephanie (21) – UWM-Industrial Engineering, David 10 – Plattville – Civil Engineering, and Rachel 17 – Kettle Moraine High School. The family moved to Ottawa in 1985.

PUBLIC COMMENT

Vice-Chairperson Kipp asked if anyone from the audience wished to address the Commission? There being no one, she moved to the next item on the agenda.

Minutes:

- *Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for approval of the June 17, 2004, Minutes.*
- *Mr. Kolb moved, seconded by Mrs. Haukohl and carried unanimously, for approval of the July 8, 2004, Minutes.*
- *Mrs. Willert moved, seconded by Mr. Kolb and carried unanimously, for approval of the July 22, 2004, Minutes.*
- *Submittal of the August 5, 2004, Minutes.*

SCHEDULED MATTERS:

- **Introduction of new Planning and Zoning Division Staff Member – Jason Fruth, Senior Land Use Specialist**

Mr. Fruth was employed with the City of Franklin Planning Department as a Planner. He also worked for HNTB as a Consulting Planner. He has an undergraduate degree in Geography from UW-Whitewater and a Masters Degree from U-W Milwaukee in Urban Planning. Jason is married to Kate and resides in the Village of Mukwonago.

- **SZT-1496 (Lloyd Williams/CLW Development) Town of Delafield, Section 25 (From the A-2 Rural Home District to the A-1 Agricultural District with PUD (Town) and R-2 Residential District with PUD (County))**

Mr. Mace presented the "Staff Report and Recommendation" dated September 9, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the property is located at W289 N694 Elmhurst Road in the Town of Delafield. The petitioner is proposing to create a 14-lot subdivision, with one of the lots containing the existing farm dwelling duplex and associated accessory buildings. He noted there are soils on the site which have high groundwater table conditions, and as a protection he added Condition No. 3 which states: "*All buildings shall have no floor (including basements) below the highest seasonal groundwater elevation as determined by soil tests at the building pads and a restriction regarding said restriction shall be noted on the Subdivision Plat dividing the land.*"

There was discussion with regards to dividing Lot 13. Attorney Richards said, "With regards to the confusion about the number of times the lot can be divided under the Conditional Use, 14 lots are allowed and Lot 13 can be divided into 13 and 14, but a 15th lot cannot be allowed unless there is additional square footage added to the development." He noted Mr. Williams could acquire additional land to the east, which would give him the option for the 15th lot. He indicated the Town would like the developer to build a road to the lot line, at their expense, but the developer believes that expense is inappropriate. If Lot 13 is developed as a single-family lot, than a private driveway will exist over the Outlot 1 right-of-way to serve Lot 13. If Lot 13 is divided again (or if there is development east or south), the Town could develop the road to the east to serve the second lot or for further development.

There was discussion with regards to Lot 13 being sold as an entire parcel, would an easement document be drawn up to gain access? Mr. Mace stated the Subdivision Plat would require that information in order to show the petitioner has not created a landlocked parcel and Vice-Chairperson asked if that language would be included in the Deed? Attorney Richards replied the language would be included on the Plat, which is a condition of the Conditional Use Permit.

Attorney Richards indicated that on the Plat there is a line on the old outlot, which marks future road expansion. He said from the subdivision road to that line, it is the responsibility of the developer to pay for the private road, and from that point further, the Town decides where the public road would go. If a road was put in to serve development to the east, Mr. Williams or the owner of Lot 13 shouldn't have to pay for it. Vice-Chairperson Kipp noted if the property to the south is developed, it could be a shared expense and Mr. Williams stated he has no intention of developing the property to the south.

Mr. Mace questioned why the Town was rezoned to the A-1 Agricultural District instead of the R-1 Residential District? Attorney Richards replied the Town of Delafield is dedicated to the Ag-Preservation category and has included in their A-1 District the ability for farmers to begin developing land as Planned Unit Developments (PUDs) so as to continue their farm operations using open spaces for agricultural purposes. He said the farming operations will continue on Lot 11 and the open space would continue to be utilized for agricultural purposes.

After discussion, Mrs. Gennrich moved, seconded by Mrs. Willert and carried unanimously, for approval in accordance with the "Staff Memorandum". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **1:15 p.m. (Laird Geibel) Town of Oconomowoc, Section 35**

Mr. Mace presented the "Staff Memorandum" dated September 9, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is before the Commission today for retaining walls within 5 ft. of the lot line (matter referred back to the Planning and Zoning Division Staff from the August 19, 2004, meeting).

Mr. Mace indicated the property is located at W349 N5359 Road "B" in the Town of Oconomowoc. Mrs. Gennrich asked if the 8 ft. lannon stone retaining wall would be replaced by tiered walls? Ms. Finet (Senior Land Use Specialist) replied the wall would remain. She pointed out on Exhibits "A" and "B", the lannon stone retaining wall, the L-shaped timber wall near the southwest lot line, and the L-shaped concrete wall (northeast of the lot line, which will be replaced). Mr. Goodchild asked if there were concerns from the abutting property owners? Mrs. Gennrich replied one of the owners attended the August 19, 2004, Planning Commission meeting and agreed to put, in writing, permission to allow the proposal. Mr. Mace stated the language in Condition No. 2 of the "Staff Memorandum" addresses that issue.

Vice-Chairperson Kipp stated the Commission had concerns about the fence. Mr. Hanson, from Hanson Landscaping, indicated that any fencing facing Okauchee Lake would be replaced with retaining walls. Mrs. Willert asked Ms. Finet if there were any conditions put on the property for clean-up? Ms. Finet replied there has been repeated violations over the years and noted the property has been cleaned up several times. She indicated that the materials seen on the photographs will be used for landscaping. Vice-Chairperson Kipp addressed Mr. Geibel (petitioner) and stated the property will be watched

carefully and if it is not cleaned up, a violation/citation would be issued from the Planning and Zoning Division Staff.

After discussion, Mrs. Gennrich moved, seconded by Mr. Goodchild and carried unanimously, for approval in accordance with the “Staff Memorandum”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **SZ-1544 (Daniel and Sharon Nettesheim) Town of Summit, Section 27 (From the A-P Agricultural Land Preservation District to the A-3 Suburban Estate District)**

Mr. Mace presented the “Staff Report and Recommendation” dated September 9, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the property is located at 309 North Summit Avenue (S.T.H. 67) in the Town of Summit. He said the entire property is 37.4 acres in size and the area to be rezoned is 7.2 acres. The three-acre lot containing the residence and farm buildings would be created by a Certified Survey Map and sold to Mr. and Mrs. Nettesheim’s nephew. The Nettesheims plan to continue farming on the remnant parcel and long-range goals for that parcel include 10 to 13 lots, each two to three acres in size. Vice-Chairperson Kipp (referring to the map) asked why would that particular area be zoned in the A-P Agricultural Land Preservation District? Mr. Mace replied because it was consistent with the Town’s A-1 District, which under the Town’s zoning is in the Ag-Preservation category. Mr. Goodchild was concerned about the remnant parcel (34.4 acres), which does not have legal access to S.T.H. 67 or Summit Moors Drive, and asked if the parcel is without access to a road? Mr. Mace replied he thought they would take a private driveway off of the Summit Moors Road and stated the language under “Note” on Page 2 of the “Staff Report and Recommendation” addresses Mr. Goodchild’s concerns. Mr. Nettesheim stated that he has 66 feet dedicated in the Certified Survey Map. He indicated the road is a private road and the Department of Transportation (DOT) assured him there would not be any other accesses off of that highway and also on the farm to the north. Mr. Goodchild asked if the petitioner was a member of the maintenance organization for Summit Moors Drive and Mr. Nettesheim replied, “Yes.”

After discussion, Mrs. Willert moved, seconded by Mrs. Gennrich and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioners a reasonable use of their land and still promote and meet the intent and purposes of all County Ordinances.

- **ZT-1548 (Brue’s Brothers, LLC) Town of Lisbon, Sections 35 and 36 (From the Quarrying District to the General Industrial District)**

Mr. Mace presented the “Staff Report and Recommendation” dated September 9, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the property was located in Sections 35 and 36 in the Town of Lisbon. He noted soil tests would reveal if the site was suitable for further development requiring the installation of an on-site waste disposal system. The Planning and Zoning Division Staff is recommending approval of the request, which would be consistent with the zoning of the lands to the south of the subject property and would be within the purpose and intent of the Town of Lisbon Zoning Ordinance.

After a brief discussion, Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- Mrs. Willert abstained from the next item on the agenda, as she had a conflict of interest.
- **SVZ-1542 (Stephen B. Styza) Village of Big Bend, Section 24 (From the RRD-5 Rural Residential Density District 5 and the A-5 Mini Farm District to the R-1 Residential District)**

Mr. Mace presented the “Staff Report and Recommendation” dated September 9, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the property was located directly south of Henneberry Avenue and east of S.T.H. 164 in the Village of Big Bend. The petitioner/developer is currently proposing to develop the west side of Ripple Brook into nine (9) one-acre single-family residential lots. Mr. Styza (petitioner/developer) stated the map attached to the “Staff Report and Recommendation” was incorrect, which did not show the additional areas to the west for the property zoned from the A-5 District to the R-1 District and Mr. Mace replied that the Department would revise the map. Mr. Mace stated the petitioner owns both sides of Ripple Brook, but is only asking to develop the west side. Mr. Styza wanted to know how the four conditions in the “Staff Recommendation” would affect the zoning map amendment? Mr. Mace replied the four conditions would be in the Ordinance and on the Subdivision Plat, and at the time of Subdivision Plat review, those conditions must be complied with. Vice-Chairperson Kipp asked Mr. Styza if he was in agreement with the “Staff Report and Recommendation” and he replied that he was. The Commission proceeded to vote on the matter.

After discussion, Mr. Kolb moved, seconded by Mrs. Gennrich and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- Mrs. Willert returned to the meeting.
- **CU-1386 (Slawson Investments, LLC) Town of Vernon, Section 1**

Mr. Mace presented the “Staff Report and Recommendation” dated September 9, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for a 52,381 sq.ft. recreational facility, which includes a restaurant and bar, office space and equipment storage, a pro shop, eight indoor volleyball and basketball courts, two outdoor soccer fields, two outdoor volleyball courts and showers.

Mr. Mace indicated the property is located near the southwest corner of Guthrie Road and National Avenue, and between National Avenue and Interstate Highway 43 in the Town of Vernon. There was discussion with regards to the property owners to the north and east, who were concerned with hours of operation and possible adverse impact on their properties. Vice-Chairperson Kipp said one of the residents who lives to the east of the facility had concerns about the proposal. Mr. Slawson replied that particular gentleman was concerned about people trespassing onto his property, but is the same individual who lets his dog get away; therefore, he is proposing to put a security fence on the east side.

Mr. Slawson (petitioner) submitted a colored plan to the Commission and pointed out the inside and outside volleyball courts and noted the indoor courts could be converted to basketball courts for league play. He pointed out the athletic fields (also used for soccer/kickball leagues), the outside deck and the small concession stand. Mrs. Haukohl had concerns with regards to the amplified music? Mr. Slawson replied the amplified music is background music, which would be heard on the deck, and was basically for people waiting for their game/match to begin. Mr. Mace stated he recommended to the Town that they have no outdoor music and not allow anything beyond 10:00 p.m., but the Town did not accept his recommendation and modified the time to 11:00 p.m. Vice Chair-person Kipp said not to worry because the Town would watch the area. She felt the recreational facility was not the type of establishment, which draws people who drink a lot or favor loud music, that these are athletic people who want to play basketball or volleyball, etc. Vice Chairperson Kipp questioned the proposed parking lot and the significant impervious surfaces? Mr. Slawson replied that everything presently drains to the direction of the retention pond and pointed out the area on the Site Plan. Mr. Goodchild questioned if the narrow parcel to the west, which runs into Enterprise Drive, was a public access? Mr. Mace said there was discussion about an emergency access and the possibility of a road going through that end, which would exit Enterprise Drive. Mr. Slawson (pointing to map) said, "Enterprise Drive was originally developed in the industrial area." There is a tax key number on the property, but no one has paid taxes on it, therefore, it is a "no man's land". There was discussion with regards to the holding tank being large enough to accommodate the number of people using the recreational facilities on the weekend. Mr. Slawson stated there are 20 through 50 people at the facility during the weekdays, but on the weekends there could possibly be 1,000 people. The petitioner was comfortable that the septic system could accommodate 1,000 +/- people on the weekends. Mr. Slawson said with regards to Fire Protection, a sprinkler system is required, but a water main is not available, so water will be stored in a vault beneath the kitchen, because the kitchen is the most fire-hazardous area. Mrs. Haukohl asked if there were showers in the locker rooms? Mr. Slawson replied, "No, that they didn't particularly want showers." Mrs. Haukohl had concerns with regards to the lighting on the facilities. Mr. Mace replied the Planning and Zoning Division Staff recommends cut-off lighting. Mr. Slawson stated he was concerned about light pollution and wanted to properly light the property to ensure safety.

After discussion, Mrs. Willert moved, seconded by Mrs. Gennrich and carried unanimously, for approval in accordance with the "Staff Report and Recommendation", but with the inclusion of the newly revised Site Plan. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **SCU-1335 (Kris Droegkamp) Town of Merton, Section 15**

Mr. Mace presented the "Staff Report and Recommendation" dated September 9, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for the construction of six (6) two-family condominium units.

Mr. Mace indicated the property is located on the north side of C.T.H. "VV", fronting on the Oconomowoc River and east of the unincorporated community of North Lake in the Town of Merton. The request is for a Conditional Use Permit for the condominium units, and approval of the Condominium Plat and all condominium documents required by Chapter 703 of the State of Wisconsin Statutes. He said condominium plat approval would come after Conditional Use approval and noted that stormwater drainage facilities will be approved by the Town and County pursuant to the County Erosion Control and Stormwater Ordinance. The petitioner has received Department of Natural

Resources (DNR) and conditional approval for the pond, which he located on the map and stated there are two bays, one for water quality and the other for water quantity. The proposed road (in yellow) will be a private drive with the six two-unit condominium residences. Vice-Chairperson Kipp asked what the blue connection between 1 and 2 was on the map and Mr. Mace replied they are driveways. Mrs. Haukohl questioned if the on-site waste disposal system was one system for each building? Mr. Droegkamp replied there are separate systems for each building which are: 1, 2, 2A and 2B (alternate site), 3, 3A and 3B (alternate site), and 4, 5 and 6. Vice Chairperson Kipp asked if one of the septic systems or wells needs repair, do the monies come out of the condominium association's fund and Mr. Droegkamp replied that it did.

Mr. Mace pointed out the area of land along the river, which will be dedicated to the County in concert with the County's Plan and offered by the developer/petitioner. He pointed out the line of dedication on the map and explained that the County would also provide the petitioner a cross-easement for a small trail, which will connect with the Bugline Trail northeast of the site. Mrs. Gennrich asked if the Multi-Family use was appropriate in this area? Mr. Mace stated the Planning and Zoning Division Staff thought it was at the time, which is why they recommended approval.

After discussion, Mrs. Willert moved, seconded by Mrs. Gennrich and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **SCU-1255B (Creekside Properties LLC/Michael Hoffmann) Town of Delafield, Sections 23 and 26**

Mr. Mace presented the "Staff Report and Recommendation" dated September 9, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit to amend the existing Permit granted on August 13, 2004, for a Planned Unit Development to allow the construction of an additional four (4) units to the previous 14-unit condominium project and a single-family farmette.

Mr. Mace indicated the property is located on the south side of Silvernail Road, west of Prairie Hill Waldorf School in the Town of Delafield. He said the units were discussed at the original hearing, but were not considered for approval until the November 26, 2002, Town Plan Commission meeting. Mr. Hoffmann (petitioner) came to the Planning Office a few weeks ago to request a Zoning Permit for one of the units. After a brief file review, the Planning and Zoning Division Staff found out the Town gave approvals after the original approval and never sent notice of said approval to the Planning and Zoning Division Office. Mrs. Haukohl asked if the stormwater management restrictions for the original units were appropriate for the additional condominium units and Mr. Mace replied, "Yes".

After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned (conditions of Exhibit "A"), will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **CU-604T (Steven and Crystal Schwab) Town of Genesee, Section 7**

Mr. Mace presented the “Staff Report and Recommendation” dated September 9, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting to terminate the existing horse-boarding Conditional Use.

Mr. Mace indicated the property is located on the south side of Morris Road, approximately three-fourths of a mile west of C.T.H. “G” in the Town of Genesee. Mr. and Mrs. Schwab were present in the audience and stated they did not wish to operate the horse-boarding stable, which was previously allowed and requested that the Conditional Use be terminated. They are proposing to divide the property into two parcels: an 11.1-acre parcel containing their residence and two accessory buildings, and a 3.5-acre vacant parcel.

After a brief discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and still promote and meet the intent and purposes of all County Ordinances.

• **(Steven and Crystal Schwab) Town of Genesee, Section 7**

Mr. Mace presented the “Staff Memorandum” dated September 9, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting to rescind the Declaration of Restrictions (prohibiting separation of lots and the construction of additional buildings), which were previously imposed on the site when the Conditional Use was approved. This would allow the petitioners to divide their property by Certified Survey Map into two parcels: An 11.1-acre parcel containing their residence and two accessory buildings, and a 3.5-acre vacant parcel.

Mr. Goodchild stated from viewing the aerial photographs from the 1960’s and 1980’s, he could understand why the restriction was placed, because in order to build a riding stable, the wetland area had to be filled in and this is why there is a requirement that the lot cannot be divided. He asked if the Town Plan Commission, at their August 23, 2004, meeting had any input on the request for the Conditional Use and rescinding the Declaration of Restrictions? Mr. Schwab replied the Town approved the Conditional Use termination. Mr. Mace read a Memorandum from Mr. Herrmann (Town Planner) which states, “The Town was not willing to approve a land division unless Waukesha County provides a verbal commitment stating that they are willing to rescind the Declaration of Restrictions”, which the County imposed. Mr. Goodchild said, “The property has a high-water table and the neighbors have seven-plus acres on all sides, and I don’t feel comfortable giving approval on such a major change without more input from the Town.” Vice-Chairperson Kipp and Mrs. Gennrich stated they didn’t see problem with rescinding the Declaration of Restrictions. Mr. Schwab stated that Ms. Finet (Senior Land Use Specialist) was at the August 23, 2004, Town Plan Commission meeting. Ms. Finet was called to the meeting and Vice-Chairperson Kipp asked if she had any input from that meeting? Ms. Finet replied the Declaration of Restrictions were imposed by the Park and Planning Commission, not the Town. Mr. Mace asked if the Town reviewed Mr. Herrmann’s Memorandum and Ms. Finet replied that they did. Mr. Mace asked Ms. Finet if the Town had an opinion, one way or another, on the matter? Mrs. Finet replied they did mention, when considering the Conditional Use termination, that it doesn’t necessarily mean the land division would be approved. Vice-Chairperson Kipp said rescinding the Declaration of Restrictions would give the petitioner an opportunity to come forward with a Certified Survey Map for the division, which would be reviewed on its own merits. Ms. Finet pointed out that

her recommendation to rescind the Declaration of Restrictions included a condition that it be subject to the approval of a Certified Survey Map.

After discussion, Mrs. Gennrich moved, seconded by Mrs. Willert for approval with a vote of 5 to 1 (Mr. Goodchild opposed), in accordance with the “Staff Memorandum”. The approval of this request, as conditioned, will allow the petitioners a reasonable use of their land and still promote and meet the intent and purposes of all County Ordinances.

CU-138 (Peter F. Wegmann, Jr.) Town of Oconomowoc, Section 17

Mr. Mace presented the “Staff Report and Recommendation” dated September 9, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for “after-the-fact” and proposed “earth-altering” activities in conjunction with the construction of a 40 ft. x 70 ft. pond.

Mr. Mace indicated the property is located west of S.T.H. 67 and north of Lang Road at W384 N7343 Cottonwood Court in the Town of Oconomowoc. He said he thought the Commission would be pleased to hear that a well is not proposed to supplement water; however, water will be taken from another location and brought in by a water truck. Mrs. Kipp explained that the Commission objects to people digging aesthetic ponds and filling them with well water, which adversely impacts groundwater table levels. Mr. Goodchild questioned the water being brought in by a water truck and gave various examples of businesses that pump ground water. Mr. Mace pointed out this is a private, aesthetic pond, which is different than a business.

After discussion, Mrs. Goodchild moved, seconded by Mrs. Haukohl and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• PO-04-GNT-30 (Pamela’s Place, LLC) Town of Genesee, Section 21

Mr. Mace presented the “Staff Report and Recommendation” dated September 9, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting after-the-fact Site Plan/Plan of Operation approval for a retail store, which sells sewing machines, fabric, books, notions, etc., and sewing and quilting classes will also be offered.

Mr. Mace indicated the property is located at S42 W31230 S.T.H. 83 in the Town of Genesee. The petitioner is proposing to utilize Unit No. 8 (1,873 sq.ft.) of the multi-tenant retail building.

After a brief discussion, Mrs. Willert moved, seconded by Mr. Goodchild and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of her land and still promote and meet the intent and purposes of all County Ordinances.

• PO-04-OCOT-25 (Sheldon Knoll LLC – Brown Street Market Place) Town of Oconomowoc, Section 26

Mr. Mace presented the “Staff Report and Recommendation” dated September 9, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Site Plan/Plan of Operation approval for signage on the Brown Street Market Place (a multi-tenant retail/office building). The signs include a wall-mounted sign on the front of the

Brown Street Market Place building and a freestanding sign on the adjacent lot containing “The Jewelry Mechanic”.

Mr. Mace indicated the property is located at W359 N5848 Brown Street in the Town of Oconomowoc. The Commission viewed photographs of the signs.

After a brief discussion, Mrs. Haukohl moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **(David and Colleen Voves) Town of Eagle, Section 36**

Mr. Mace presented the “Staff Memorandum” dated September 9, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a road right-of-way waiver for a portion of South Shore Drive.

Mr. Mace noted the property is located on South Shore Drive in the Town of Eagle. He said the Planning and Zoning Division Staff is asking the Commission to approve a 25 ft. right-of-way from the centerline of the road instead of 33 ft. Discussion following with regards to 25 ft. being enough for the pavement to be in the right-of-way. Mr. Mace said without having the pavement shown on the Survey, he cannot be certain of that, but does not feel the 33 ft. is necessary because it would put the right-of-way through the petitioner’s garage. A total road right-of-way of 50 ft. (25 ft. on each side of centerline) would provide 12.5 ft. along the south side of the property, which will allow the detached garage to remain outside of the established road right-of-way. There was discussion with regards to the condition in the “Staff Memorandum” which states, “Written documentation from the Eagle Town Board stating they have also reduced the established road right-of-way width for a portion of South Shore Drive.”

After discussion, Mr. Goodchild moved, seconded by Mrs. Gennrich and carried unanimously, for approval in accordance with the “Staff Memorandum”. The approval of this request, as conditioned, will allow the petitioners a reasonable use of their land and still promote and meet the intent and purposes of all County Ordinances.

- **(Amend the Regional Water Quality Management Plan for the Village of Menomonee Falls) Sections 31 and 32**

Mr. Mace said this matter was on the agenda today for clarification of the Commission’s vote from the August 5, 2004, Park and Planning Commission meeting.

The Commission signed a new Signature Sheet, which will be submitted to the Waukesha County Land Use, Parks and Environment Committee (LUPE) and then to the County Board. Mr. Mace said it was questioned at the LUPE meeting why there was a “no” vote and he, nor Mr. Kolb (Chairman of LUPE) could recall. After listening to the Minutes on tape, Mr. Mace stated that Vice-Chairperson Kipp and Mrs. Haukohl both voted “no” with the others voting “aye”. He pointed out Mrs. Gennrich made the statement that she really didn’t know how she should vote on said matter and this is also why a clarification needed to be made.

Clarification of Vote (3 for and 2 against):

For: *Mrs. Gennrich, Mrs. Willert and Mr. Kolb.*

Against: *Vice-Chairperson Kipp and Mrs. Haukohl.*

• **SCU-0021E (West Allis Training Kennel Club) Town of Vernon, Section 10**

Mr. Mace pointed out this matter was before the Park and Planning Commission on August 19, 2004. He said he felt it was important that the Commission be aware of the change made to Condition No. 6, which reads as follows: "The existing shed shall be removed within 60 days of issuance of the Zoning Permit."

The Commission concurred with the above modification to Condition No. 6.

ADJOURNMENT

There being no further business to come before the Commission, Mrs. Willert moved, seconded by Mrs. Gennrich to adjourn the meeting at 4:15 p.m.

Respectfully submitted,

Ellen Gennrich
Secretary

EG: smv